

REMARKS

Applicants wish to thank the Examiner for finding Claims 1-3 and 13-14 allowable (see page 7 of the Office Action). With the entry of the instant amendment, Claims 1-6 and 10-14 are pending. Claims 1-3 and 13-14 are allowed; Claims 4 and 10 are currently amended to more clearly recite the presently claimed invention; and Claims 7-9 are cancelled. Applicants would like the Examiner to note that the Office Action Summary does not reflect the status of the claims as provided in the Detailed Action. In particular, while the Examiner indicates at page 7 of the Office Action that Claims 1-3 and 13-14 are allowed, the Office Action Summary indicates that only Claims 1-3 are allowed. As the Examiner did not provide any reason for rejecting Claims 13-14, Applicants believe that Claims 13-14 are in fact allowed as indicated by the Examiner at page 7 of the Office Action.

I. Specification

The Examiner indicated that the application failed to comply with the requirements set forth in 37 CFR 1.821 – 1.825, and indicated that it would be convenient to identify sequences in figures by amending the Brief Description of the Drawings.

Accordingly, Applicants have amended the specification to identify the sequences in Figure 1 by their corresponding sequence identifiers in the Brief Description of the Drawings.

II. Claim Rejections under 35 U.S.C. §102

The Examiner has rejected Claims 7-9 under 35 U.S.C. §102(a) as being anticipated by Murakami (J. Bacteriol., April 2002, 184, 7, 1998-2004).

In order to expedite prosecution and yet without acquiescing to the Examiner's arguments, Applicants have cancelled Claims 7-9, without prejudice.

Applicants respectfully request that the rejection of Claims 7-9 under 35 U.S.C. §102(a) be withdrawn.

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III. Claim Rejections under 35 U.S.C. §112

The Examiner has rejected Claims 4-6 and 10-12, under 35 U.S.C. §112, first paragraph, allegedly as not meeting the enablement requirement.

The Examiner indicated that the specification “while being enabling for methods of modulating the secretion of a protein of interest using the host cell which is Bacillus, does not reasonably provide enablement for modulating the secretion of a protein of interest from other host cells” (See page 4 of the Office Action).

Applicants have amended Claims 4 and 10 to recite the host cell as being a Bacillus host cell.

In light of the foregoing, the rejection of Claims 4-6 and 10-12 under 35 U.S.C. §112, first paragraph, should be withdrawn.

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CONCLUSION

Applicants believe the pending claims are in condition for allowance and issuance of a formal Notice of Allowance at an early date is respectfully requested. If a telephone conference would expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (650) 846-7636.

This paper is accompanied by a request for Extension of Time under 37 C.F.R. 1.136(a) of THREE months extending the time for response to November 17, 2007. This response is filed prior to the extended deadline and is therefore timely filed. The Commissioner is authorized to charge any fees that may be required in connection with this submission and to credit any overpayments to Deposit Account No. 07-1048 (Attorney Docket No. 715-2-US).

Respectfully submitted,

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